THE ROYALL AND THE ROYALLISTS Plea.

Shewing, That the Kings Majesty hath the chiefe Power in this Realme, and other his Dominions, [1 *Pet.*2.13.] And to him the chiefe Government of all Estates of this Realme, whether they bee Civill or Ecclesiasticall, in all Causes doth appertain. *Artic.*27. *of Religion concerning Magist.*

Wee Confesse and Acknowledge, Empires Kingdomes, Dominions and Cities to be distincted and ordained by God, for the manifestation of his owne Glory, and for the singular Profit and Commodity of Mankind, [*Prov.*24.21.22.] That whosoever goeth about to take away, or confound the whole State of Civill Policies, now long established; We affirme the same men, not only to be Enemies to mankinde, but also wickedly to fight against Gods expresse will. *Confess. of the Church of Scotland, concerning the Civill Magistrate.*

And the first thing wee covenant is, to defend and maintaine the Doctrine of that Church.

Corrected and Enlarged by the Author.

An°. Dom^i. 1647.

READER.

BEFORE I treate of the differences betweene the King and the Parliament, and set forth the Grounds and Intents of the Warre on both sides (either Party charging the Other, with a Designe to overthrowe the established Government of the Kingdome) I shall premise something concerning the Constitution of the Kingdome and Parliament of England.

Of the constitution of the kingdome of England.

And, whereas there are three kindes of Government, The first Monarchicall, *by* One; *The second* Aristocraticall, *by the* Nobles; *The third* Democraticall, *by the* People. *The Government of* England *is of the first sort,* Monarchicall. *And the Monarch is the Head, And (with us) the Barons and the People, are the Subject-Body of the Kingdome.*

Three kinds of Government.

England a Monarchy, it consists of a head and a subject body.

The King governs the Church by ArchBishops & Bishops, And the Civill State by Temporall Officers: And to enable him for that his Administration and Government, the King is invested with sundry politicall Powers, as of Treaties of Warre and Peace, of making Peeres, of choosing Officers and Councellors for State, Judges for Lawe, Commanders for Forts and Castles, giving Commissions for raysing Men, to make warre abroad, or to provide against invasions or insurrections at home, benefit of Confiscations, power of Pardoning, and others of the like kind: And by this Power and Authority he drawes a respect and relation from the Nobles, and feare and reverence from the People, and thereby prevents division

Sundry Politicall Powers in the Monarch for Governing the Kingdome in it selfe, & in order to other Princes and States.

The necessity of these powers in the King.

faction in the one; tumults, violence and Licentiousnesse in the other, and so preserves Peace and unity amongst us: as also by the Authority & Power aforesaid, The King is enabled to discharge his Office & Oath, to preserve the Lawes of the Land in their force, and the Subjects in their Properties and Liberties.

The Parliament consists of a Head and a subject Body.

And as the Kingdome, so the Parliament of England, is constituted of a Head, and a Subject-Body; The King being the Head, and the two Houses the Subject-Body of the Parliament.

The King calls the Parliament and dissolves it.

He calls each Baron by a peculiar Writ.

A Proxy acts for another by assenting & dissenting for him but hath no superiority or authority over him for whom he acts.

He sends forth Writs into the severall Counties, & into the Cities & Boroughs for electing Knights, Citizens & Burgesses to serve for them: and the people meete & choose accordingly, & send up the persons so chosen, as their Proxies, to sit and Vote for them by way of assent and dissent, upon all occasions in Parliament: and so the King and the whole Kingdome (by their Representatives) convene in Parliament.

The Lords and Commons sweare fealty & allegiance to the King.

As the Barons sweare fealty to the King at their Creation so the Law requires the Members of the House of Commons to take the oath of Allegiance & Supremacy, before they are admitted to sit there.

How our lawes are made.

The principall Power and work of the Parliament is in Law making: and our Lawes are made thus, Bills are framed & agreed on by the Lords & Commons, and afterward presented to the King, and by the Royall assent they become Lawes. And this is that which the King sweares to at his Coronation, and it is well expressed in the forme at the Coronation of Edward *the sixt in these following words. Doe you grant to make no new Lawes, but such as shall be to the honor of God, and to the good of the Common wealth, and that the same shall bee made by the consent of your People, as hath beene accustomed?*

The Oath at King *Edwards* Coronation.

Liberty of vote an essentiall priviledge of Parliament.

And in passing of Bills, The King & the Lords and the Commons are to Vote freely, and this liberty of Vote, is the most essentiall priviledge of Parliament, yea, The King and

the

the Lords and Commons, have every of them their Negative Vote in this Case, thereby to preserve themselves and theis Rights and Priviledges one against another: And so to keepe the Constitution of the kingdome inviolate.

Of their Negative Votes.

And it is a peculiar Priviledge of the house of Commons to make the first Propositions for the Levies of Money, which is the Sinews both of Peace and Warre. Also that house takes notice of the violating of our Liberties, and impeacheth those that have oppressed and grieved the Subject.

The priviledge of the House of Commons.

And the Lords proceede against them in a judiciary way, & punish them.

The Judiciary power of the house of Lords to remedy misgovernment.

But in this Case the Law sayes, The King can doe no wrong. And if any thing be done amisse in matter of State, the Councell: If in matter of Justice, the Judges must answer for it, as themselves have declared. May 19. Husbands Collect. pag. 199.

The King can doe no wrong.

The house of Lords hath also a judiciary power upon Writts of Error brought against Judgements in inferiour Courts.

Also, eyther House hath Power over their own Members: But over the Subject at large and in Generall (without the Kings Concurrence) neither house hath Power, nor both of them joyned together.

Much lesse have they power over their Soveraigne Lord the King, who hath no Superior under God (25, Hen. 8.) *& much lesse over the imperiall Crowne (which hath beene free at all times, and in no earthly Subjection, but immediatly to God in all things touching the Regality of the said Crown* 16. R. 2. 5.) *And which was never invaded by any Parliament before, and there is nothing of Power extraordinary in the present Parliament, but of continuance only, being not to be dissolved, but with the consent of both houses of Parliament.*

They ought to support the King and the Crowne, & not to invade and null them.

Lastly, touching the priviledg of the Members of Parliament themselves (in their Petition to his Majesty at the beginning of his Reigne, in the Case of the Earle of Arundell) have declared thus. Wee finde it an undoubted Right and constant priviledge of Parliament. That no Member of Parli-

The priviledges of the Members of Parliament.

ament

ament, ſitting in the Parliament, or within the uſuall times of the priviledge of parliamtnt, is to be reſtrayned or immeſoned, without Sentence of the Houſe, unleſſe it bee for high-Treaſon, Felony, or for refuſing to give ſurety for the peace.

Wentworths Caſe.

And ſo in 2. Elizabeths *time, when* Wentworth *made thoſe motions that were, but ſuppoſed dangerous to the queens Eſtate; He was impriſoned in the Tower, notwithſtanding the priviledge of the Houſe, and there dyed.*

The equall & happy conſtitution of England.

Thus whereas there is in every of the three kindes of Government ſome good as Unity in Monarchy; *Councell in* Ariſtocracy; *Liberty in* Democracy) *and ſome evills, (as Tyranny in* Monarchy; *Diviſion & Faction in* Ariſtocracy; *Tumults, Violence and Licentiouſneſſe in* Democracy.) *By the Conſtitution of the kingdome we have the good of all theſe without the evill of any. And hence, for ſo many hundred yeeres hath the Engliſh Nation beene famous & happy to admiration andenvy: Even from this Ancient, Equall, Happy, Well-poized, & never enough commended Conſtitution of this Kingdome: From which receding, all theſe Politicall Evills have overtaken us. Even Tyranny and Oppreſſion, Diviſion and Faction, Tumults, Violence and Licentiouſneſſe: And what will or can be the end of this but* Anarchy, *Confuſion and utter Deſtruction of the* King, *of the* Parliament, *of the* Kingdome, *of the* Nation?

pro. 24.21.22.

At preſent the Lords & Commons ſhake off the yoke of ſubjection, and affect the chiefe Power & Government; nor doe they Act as our fellow ſubjects and Proxies, but as our Lords and Maſters, nor doe they ſtudy Liberty with us, and for us, but Soveraignty over us.

Oh that they were wiſe, that they underſtood, that they would conſider their latter end.

*Deut.*32. 29.

THE ROYALL, and ROYALLIST'S PLEA.

THAT the chiefe promoters of the preſent war had a Deſigne againſt his Majeſty and againſt Monarchy, is now manifeſt to all the World, by the late vote for ſending the King to Warwick Caſtle; And by Mr. *Prideux* his ſpeech in *October* laſt, for, abandoning Monarchy (now they have gotten the power of the Sword) and for ſetling the government of the Kingdome in the two Houſes of Parliament.

The Vote for ſending the King to Warwick Caſtle.

Mr. *Prideux* his ſpeech, for abandoning Monarchy.

But our Plea is grounded upon former evidences, from the very ſummoning of this Parliament, unto the taking up of Armes.

The ground of this Plea.

For how did they ſtickle in the Counties and Burroughs for ſuch to be elected into the houſe of Commons as were of their opinions and inclinations? And no ſooner did they meete and ſit in Parliament, but they ratified and damned Elections at pleaſure, in Order to their Deſigne.

They Stickle about Elections.

The Members thus prepared: They bring in two Bills, The one to take away Biſhops; roote and branch, The other to take the Militia by Sea and Land from the King; the later being preferred by Sr. *Arthur Haſlerigg*.

A Bill againſt Biſhops & the Militia.

And fayling in this way, they ſend forth factious and ſeditious Lecturers, which inveigh againſt the preſent Government of Church and State, and they licenſe pamphlets that deprave the Government of the kingdome.

Seditious Lectureres and Pampleters.

The Proteſtation proteſted. and To thy Tents Oh Iſrael.

The people thus prepared, They rayſe tumults in London,

Tumults.

don, to force and compell the Parliament to joyne with them, in the profecution of their Deſigne; and his Majeſty charging them with high Treaſon for theſe attemps againſt himſelfe and againſt the Parliament: They get themſelves protected under the pretended priviledge of Parliament: from verbail they fall to reall-Treaſons; and they poſſeſſe themſelves of the Forts and Caſtles, after that his Majeſty had promiſed for their ſecurity, that they ſhould be only in ſuch hands as they ſhould have cauſe to confide in. *Jan.* 27.

The accuſed Members protected.

And they diſpoſe and execute the Militia of the Kingdome, altogether excluding his Majeſty, after that for their farther ſecurity, he had accepted of the Lords Lieutenants in the ſeverall Counties recommended by them *Feb.* 28. And after he had condiſcended touching the Militia of the Corporations *April.* 8.

The Forts and Caſtles, & the Militia, with the Navy Royall taken from his Majeſty.

And in the laſt places they ſeize on the Navy-Royall. And (in their votes of *March* 15.) the reaſon pretended for the Militia, was to defend the kingdome againſt Enemies from abroad (when we had none) and againſt the Papiſts at home (when they were naked and without Armes) and againſt a diſcontented party amongſt us (*i.e.*) againſt the King and his party, whom they had diſcontented and highly provoked by their late proceedings.

What reaſon they pretended for the Militia.

And as their ſeizing the Forts and Caſtles, &c. was needleſſe in the two former reſpects, ſo in the later was it Rebellious, being not for the publique, but for their private ſecurity and advantage: not to defend the Kingdome againſt danger, but to protect themſelves againſt juſtice: not to put us into a poſture againſt a common Enemy, but to put themſelves into a poſture of power and ſtrength againſt his Majeſty, thereby at once enabling themſelves to force him, and diſabling him to reſiſt them in the profecution of their deſigne againſt him.

See the opinion of the Judges in the Caſe of the E. of Eſſex.

And no ſooner had they got the full ſtrength of the kingdome, but they actually and profeſſedly ſet themſelves againſt his Majeſty.

Sir

Sir *John Hotham* keeps him out of Hull *April.* 23. And the two Houses justifie his Trayterous Act *April.* 28. Sr. *John Hotham.*

Not long after Mr. *Martin* sayes openly in the house of Commons, and unreproved. That the Kings office is forfeitable. And that the happinesse of this Kingdome, did not depend upon his Majesty, or any of the Royall branches of that Roote. Mr. *Martin.* They strike at Monarchy, as at Episcopacy, root & branch,

And Sir *Henry Ludlow.* That he was not worthy to be King of England, which doubtlesse was the sence of the Parliament. For *May.* 26. both houses declare. That they should not want modesty if they follow'd the highest precedents of other Parliaments. Sr. *Henry Ludlow.* Both Houses tacitly imply the deposing of the King.

The Crowne itselfe cannot escape them, nay they ayme at that ultimately: They make attempts upon the Imperiall Crowne.

For in the same Declaration they deny the Kings negative Vote in Parliament. The Kings Negative vote.

And to deprive the King and the Crowne of their power, not only in Law-making, but also in Governing, They offer to his majesty 19 Propositions, destructive of Regality and Monarchy *June.* 2. The 19 Propositions.

And they enforce them as absolutely necessary to the publique safety; whereas to the Kingdomes security, The Forts, and Castles, and the Militia, and the Navy, alone are sufficient, in case of danger: And so the particulars are proposed and imposed on his Majesty, only by way of designe, to undermine Kingship and Monarchy. And his Majesties former condiscentions touching the Forts and Castles, and the Militia, and the Navy, being more then sufficient against their pretended dangers, at present, they also are demanded, not for necessity, but meerly of designe and policie: And they take up Armes in prosecution of these Propositions and demands, *June* 10. After they had in the fore-cited Declaration of *May.* 16. claimed a power over the people of the Land, to dispose of their persons and estates, in order to their Cause, and to compell them to serve in the present Warre. Note, They claime an absolute power over the Subject, in Order to their Cause, and to the present Warre.

The whole Series of Occurrents discover their Designe,

Thus the entire Series of Occurrents (from their Summons to their Arms) plainly discovers the malice of their hearts, and the Reality of their Designe, against the King, and against the Crowne.

The severall particulars shew how they have moved from time to time.

And the severall particulars shew cleerly how they have moved from time to time; first in a Parliamentary way by Bill then by Pamphlets, in a seditious way; afterwards in a Tumultuary way, against the parliament; Next, under the pretended prviledg of Parliament, against the king; Then by usurping the strength of the Kingdome, and with insolency against his Majesty, and not without attempts upon the crowne it selfe; And lastly (other meanes being ineffectuall) by force of Armes, raysed at first to maintain and make good whatsoever they had preferred; published acted, usurped, spoken, declared, proposed; and to drive on their Designe against the King, and to alter the Government of the Kingdome, and to this day continued to perfect that alteration (begun in part already) and not to bee laid downe, till it be compleated and setled, to the utter overthrow of Monarchy; and consequently to the Ruine and destruction of his Majesty and his posterity, who are the only Rub in their way, and to be necessarily removed, before their dominion can be established.

Why they raysed their Arms and continue them, & when they will lay them downe.

Why the other particulars were omitted, and the Propositions only insisted on.

I shall omit all other particulars before rehearsed (leaveing them to the further cosideration of every private mau) and insist only on the propositions, which are the very drift of all the former proceedings, and a livrly portraiture of the whole Plot, and the reason of the first Armes, and the constant Argument of their Treaties, and consequently the ground and end of the Warre.

The

The true ſtate of the Warre, on the Kings ſide and on the Parliaments.

THE Lords and Commons aſſembled in parliament alleage, That there was a Deſigne by papiſts, and by an ill-affected party, to overthrow our Religion, Lawes and liberties, and to introdnce popery and Tyranny, and that they tooke up Armes to defend our Religion, Lawes and Liberties. The Allegation of the Lords and Commons for taking up Armes.

The King alleageth, That there was a Deſigne by a factious, ſeditious, anti-Monarchicall party, to overthrowe the eſtabliſhed government of Church and State, and to ſettle the cheife Power and Government in the two Houſes of parliament: And that upon their Allegation aforeſaid, and in Order to their Deſigne aforeſaid, the two Houſes have claimed & exerciſed a Soveraign power over the Lawes of the Land, and an Arbitrary and Tyrannicall power over our perſons and Eſtates, and have levyed warre, and compelled us to ſerve in the warre, as was pretended to keep out Tyranny and popery, and ſo to carry on their Deſigne againſt Regallity and Monarchy, And his Majeſty tooke up Armes, as he alleageth, to maintain the ancient Government of the Kingdome, and our eſtabliſhed Religion, Lawes and Liberties. The Kings Allegation for his taking up of Armes.

Now the true cauſe of taking up and continuing of Armes on each ſide, is beſt knowne by their propoſitions offered before, and treated on ſince the warre, The true Cauſe of the war, on both ſides.

The Parliaments propoſitions. The Parliaments Propoſitions.

THAT a Bill be paſſed for the utter aboliſhing and taking away Arch-Biſhops, &c. For aboliſhing Biſhops.

For nominating the Officers of State, and the Judges in England.

That the Lord high Steward of England, Lord high Constable, Lord Chancellor or Keeper of the Great-Seale, Lord Treasurer, Lord Privy Seale, Earle Marshall, Lord Admiral, Warden of the Cinque-ports, Chancelour of the Exchequer, Master of the Wards, Secretaries of State, two Cheife Justices, and the Cheife Baron, be nominated by both Houses of Parliament.

The like for Ireland.

The like for the Kingdome of Ireland, as touching the Deputy, or cheife Governour, or other Governour there, and the Presidents of the severall Provinces, the Chancellor or L. Keeper, L. Treasurer. &c.

The Educating of the Kings children.

That he or they unto whom the Government of the Kings children shall be committed, shall bee approved of by both Houses of Parliament, and their servants likewise.

For marrying them.

That no marriage shall be concluded, or treated, for any of the Kings children, with any forraigne Prince, or other person whatsoever, abroad or at home, without consent of the Parliament.

For the Militia

That the Militia be setled, and the Subjects of the Kingdomes of England and Ireland, be appointed to be Armed Trayned and Disciplined, in such manner as both Houses of Parliament shall thinke fit.

For the admiralty and Navy.

That the Admiralty and force at Sea, and power of raysing Money for the maintenance of those Forces, and of the Navy, bee setled in the two Houses of Parliament.

For the Forts and Castles.

That the forts and Castles of the Kingdome shall be put under the Command and Custody of such Persons as shall be approved of by both Houses of Parliament.

For the votes of Peeres to be made hereafter

That no Peere made hereafter, shall sit or vote in Parliament, unlesse they be admitted thereto by both Houses of Parliament.

For concluding of Peace & war

That the Concluding of Peace and Warre with forraigne Princes and States bee with the advice of the Parliaments of both Kingdomes,

A quere upon the Parliaments Propositions.

Now the Question is, Whether (these Propositions consider-

considered) The two houses of Parliament doe truly take up Armes and continue them, for the defence of our Religion, Lawes and liberties, against Popery and Tyranny, as is alleaged by them; or not rather for the overthrowe of the established Government of Church and State, and of Regallity and Monarchy; and for setling the cheife Power in the two Houses of Parliament as is alleaged by his Majesty.

There are I know other Propositions concerning Delinquents, but subordinate to those that tend to the alteration of Government. Their Delinquents being only such as are enemies to their Cause, and have from time to time opposed their proceedings against the King, and against the present Government, as appeares plainly by the Ordinances concerning Delinquents, and by the Catalogue of Delinquents delivered in at the Treaties, and inserted amongst their Propositions: And they prosecute them not in a Judiciary and Parliamentary way, as Legall offenders; but in a military and Hostile way, as an adverse party, Opposite to them and their Designe. Their Propositions concerning Delinquents.

Now, whether these Gentlemen be Delinquents or no, shall be shewed afterward, upon stating the warre on both sides; Delinquency being not where the Cause is just, and the warre lawfull; but where the Cause and the warre are unjust and unlawfull, that is the Delinquent Party.

Their Propositions concerning Papists I have omitted; becaus the King assented to them. (And how then did they take up Armes for the defence of our Religion against Popery?) Their Propositions concerning Papists.

Concetning our Liberties they proposed nothing, all the Grievances set forth by the Lords in their Petition presented to his Majesty at Yorke, being remedied by severall Acts at the beginning of this Parliament. And how then did they take up Armes for the defence of our Liberties, against Tyranny? No Proposition concerning our Liberty.

Also there is nothing proposed concerning our Lawes; their

An obſervation of the Kings Commiſſioners at Uxbridge.

their whole proceedings being againſt Lawe; eyther againſt the twenty fift of *Edward* the third, in point of Treaſon againſt the King; Or againſt *Magna Charta*, and the petition of Right, in point of oppreſſion of the Subject. As alſo by their Orders, The two Houſes and each Houſe, and their Committees ſtop the proceedings of the Courts of Juſtice, in Suites of lawe, betweene Man and Man.

And ſo the Kings Commiſſioners at the Treaty at Uxbridge obſerved, That after a warre of neere foure yeares for which the defence of the Proteſtant Religion, The liberty and property of the Subjects, and the priviledges of parliament, were made the cauſe and ground, in a Treaty of twenty dies, nor indeede in the whole propoſitions, upon which the Treaty ſhould be, there hath been nothing offered to be Treated concerning the breach of any Law, or of the Liberty and property of the Subjects, or priviledge of parliament; but only propoſitions for the altering of a Government, eſtabliſhed by Law, and for the makeing new Lawes, by which all the old are, or may be cancelled.

The Kings Propoſitions.

The Kings propoſitions.

For his Revenues Magazine &c.

THAT his Majeſties owne Revenue, Magazine, Townes, Forts, and Ships, which have beene taken or kept from him, by force, bee forthwith reſtored unto him.

For maintayning the Lawes of the Land, & the Kings Legall Power & Right.

That whatſoever hath beene done or publiſhed contrary to the knowne Lawes of this Land, or derogatorie to his Majeſties Legall and knowne Power and Right; be renounced and recalled, that no ſeede may remaine, for the like to ſpring out for the future.

For the liberty of the Subject againſt illegall Power.

That whatſoever illegall power hath beene claimed and exerciſed over his Subjects; as impriſoning their perſons without

without Law; stopping their *Habeas Corpus* and imposing upon their estates without act of parliament, eyther by both or eyther House, or any Committee of both or eyther, or by any persons appointed by any of them, bee disclaymed, and all such persons so Committed forthwith discharged.

That as his Mejesty will readily consent, having done so heretofore, to the execution of all Lawes already made, and to any good act to be made for the suppession of popery, and for the firme setling the protestant Religion by Law established; So he desires that a good Bill may bee framed, for the better preserving of the booke of Common-prayer, from the scorne and violence of Brownists, Anabaptists and other Sectaries, with such clauses for the ease of tender Consciences, as his Majesty hath formerly offered.

Against Popery.

For the booke of Common Prayer.

That all such persons as upon the Treaty shall be excepted out of the generall pardon, shall be tryed *per pares*, according to the usuall course and known Lawes of the Land, and that it be left to that, eyther to acquit or condemne them.

For the tryall of Delinquents

Now the question is, whether (these propositions considered) the King doth truely take up Armes, and continue them, to maintain our Religion, Lawes, and Liberties, against popery and Tyranny, as is aleaged by his Majesty, or to overthrow them, as is alleaged be the two houses of parliament.

A quere upon the Kings Propositions.

But the Lords and Commons pleade for themselves finally. That they tooke up Armes, and continue them, to prosecute their propositions, only in Order to the defence of our Religion, Lawes and Libetties. Or rather they tooke Armes, and continue them, for the defence of our Religion, Lawes and Leberties only, in, Order to the prosecution of these their propositions, and of their Designe; Seeing they will not acquiesce in his Majesties, which are directly and apparently for the establishing of our Religion, Lawes and

The final Plea of the Lords & Commons retorted.

Liberties, against Popery and Tyranny, but offer and preſſe their owne propoſitions, to the overthrow of our Religion by Lawe eſtabliſhed, and of the eſtabliſhed Government of Church and State.

The King recedes from his Right, & from the rigour of his Propoſitions.

Beſides, before Armes were taken up, his Majeſty was pleaſed to recede from his Right touching Forts, and Caſtles, and the Militia; and he condiſcended to them in divers other particulars, touching their nineteene Propoſitions; thereby (if poſſible) to have prevented the Warre amongſt us. And after that Armes were taken up, and the kingdome imbroyled in Warre (to prevent the further miſchiefes thereof) his Majeſty was pleaſed to recede from the rigour of his propoſitions; and at the Treaty at Uxbridge, by his Commiſſioners, he would have complyed in ſeverall particulars touching the Biſhops and the Deans and Chapters: and he would have truſted them with the Militia for two yeares, and afterward by a Meſſage from Oxford, he graciouſly condeſcended:

The Kings Meſſage from Oxford.

1. That all who are proteſtants ſhould have the free exerciſe of Religion according to their owne way.

2. That the two houſes of parliament ſhhould have the Militia for 7 yeares.

3. That they, *pro hac vice*, ſhould chuſe the Lord Admirall, and officers of State, and the Judges.

4 That the buſineſſe of Ireland ſhould be referred wholly to them.

5 That hee would joyne with them in an act for the payment of the publique debts.

6 That he would paſſe a Generall act of Oblivion.

They will not recede one jot from the rigor of their propoſitions.

I ſay the King was pleaſed, in favour to the Parliament, and the Subjects, to recede from the Rigour of his propoſitions: But the two houſes would never abate one jot of their propoſitions and demands, in favour of his Majeſty or Monarchy; but rather have ſcrued them up from time to time, and heightned them againſt both. Nor will they now be ſatisfied with the eſtabliſhing of our Religion, Lawes, and

and Liberties, unleſſe it bee by way of their propoſitions thus heightned: And ſo they encroach upon the Crowne daily, more and more, untill at length they inveſt themſelves in the full power and Rights of the King and of the Crowne.

The defence of our Religion, Lawes and Liberties pretended, and why

And at firſt they pretended the defence of our Relgion, Lawes and Liberties, in policy only (that they might more effectually prevaile with the people, and more colourably ſeize the Militia, and rayſe an army) for by their Armes, they do not only, not defend onr Religion, Lawes and Liberties, but (taking upon them Soveraigne authority over our Lawes, and an Arbitrary power over our perſons and Eſtates) they aboliſh our Religion, by Lawe eſtabliſhed, in Doctrine, Worſhip, Diſcipline and Government (to comply with the Independents, Browniſts, Anabaptiſts, and other Sectaries, to make them of their party to carry on their Deſigne againſt Monarchy) And they trample under foote our Lawes, and invade and violate our Liberties, in proſecution of their Deſigne againſt his Majeſty, and in him, againſt Monarchy: Ordayning, contrary to the Petition of Right, That we beare Armes, billet Souldiers, pay Monies and take Oathes, not impoſed by act of parliament; And upon our refuſall, Sequeſtring and Impriſoning us, without more adoe; and proceeding alſo againſt ſome by Martiall Law, and Condemning and Executing them: Whereas by *Magna Charta*, no man ſhould be diſſeized of his Eſtate, nor Impriſoned, nor ſuffer, but upon tryall by his Peeres,

Proteſtatio contraria facto.

By their Arms they doe not only not defend our Religion, Lawes & Liberties, but invade and violate them.

But who would have beleeved, that our Religion, Liberty and Lawes, which for ſo long a time have endured Oppoſitions and aſſaults from forreigne Power, envying our happineſſe, would have beene Oppoſed, Oppreſſed, and Trod under foote by the Crafts and Cruelries of our owne Natives and Country-men? As is declared by both Kingdomes joyned in Armes for purſuance of the Covenant *Janu.* 30. 2643.

This a most dangerous precedent.

And Oh! the unstable and miserable Condition of the English Nation, if the two Houses of Parliament or a prevayling factious Party there, may at pleasure alter our Estabilished Religion, Lawes, Liberty, Property and Government.

The true state of the war, on the Parliaments side.

Teere is no Law warranting the Lords and Commons to take up Armes.

Rom. 3. 8.

Their present War is, First unnecessary as pretending the defence of our Religion, laws and Liberties against Popery and Tyranny. Secondly, unjust as contending for the Rights of the King & crown. Thirdly, wicked, as in ending the over throwe of the Costitution & Government of the kingdom and intimating the destruction of the King & his Posteritie in order thereto.

And so (the premises considered) the true state of the Question concerning the Warre on the parliaments side, is clearely this. Not Whether the Lords and Commons may seize and detein his Majesties Forts and Castles; Nor whether they may settle and dispose the Militia and the Navy, and rayse an Army for the defence of our Religion, Lawes and Liberties (though to do any of these without the Royall Authority, upon any pretence, or to any Intentions whatsoever, whether to expulse strangers, to remove Councellors, or against any Statute, &c. bee to levy warre against the King? because they take upon them Royall authority, which is against the King, *Cooke 3. part institut. Cap. de high Treason.* And I know no difference between the Lords and Commons in Parliament, (in this Case) and others out of Parliament, all being in the condition of subjects to his Majesty, and there being no priviledge of parliament in Case of Treason: But whether they may put themselves into the strength of the Kingdome, and rayse forces, and imploy them to the intents and purposes expressed in their Propositions, *viz.* For taking from the King and from the Crowne the Government of the Church by Arch-Bishops, Bishops, &c. and the Government of the State likewise, whilest they would nominate the great Officers and the Judges, and would dispose the Militia, and the Navy, and the Forts and Castles, &c. And for setling the cheife power and Government both of Church and state, at present in themselves, and in the two Houses of Parliament hereafter; yea for Subjects (and such are the Lords and Commons in the present Parliament assembled) to put themselves into such a strength as the King shall not be able to resist them, and to force and compell

No priviledge in case of treason.

Having got the power of the Sword, they may rule and over rule the king & people, & invade his other Rights and their Liberties at pleasure.

the

the King to govern otherwiſe then according to his owne Royall authority and direction is manifeſt Rebellion, according to the opinion of the Judges delivered at the arraignement of the Earle of Eſſex.

It is manifeſt Rebellion.

How much more in our preſent Caſe, when they would take away the power and government from the King and Crowne?

Their Rebellion aggravated.

Againe, The premiſes conſidered, The true ſtate of the queſtion concerning the warre on the Kings ſide is cleerly this. Not whether he may rayſe an Army againſt the Parliament (though, if he ſhould, I know no warrant for reſiſting him) But whether the King may not rayſe an Army, and fight againſt the Parliament, for the reaſons expreſſed in his Propoſitions. *viz.*

The true ſtate of the warre on the Kings ſide. The Warre on the Kings ſide is vindicatory and defencorie in reſpect of the Kings power and rights, and of the Lawes of the Land, and of the Liberty & property of the Subject.

For the recovery of his Revenue, Forts and Caſtles, &c.

For vindicating the Lawes of the Land, and his Legall power and Rights, &c.

For redeeming the Subject from illegall power, and from manifold oppreſſions.

For preſerving the eſtabliſhed Litturgy, &c.

For bringing Delinquents to a Legall-Tryall. The Lords and Commons in Parliament, as well as other his Subjects, being lyable to his Majeſties diſpleaſure, whenſoever they keep not themſelves within the circle of the Law, and cuſtome of Parliament. *Cook. lib. of Juriſdiction of Courts. Cap. High Court of Parliament.* And themſelves have declared, That all forcible practiſes, much more ſuch Rebellious proceedings againſt the King, are inconſiſtent with the Nature of the Councell, being the Body whereof his Majeſty is the Head. *Husb. Collect. of Remonſt. pag.* 100. And from thoſe expreſſe ends in the Propoſitions on both ſides muſt we judge, as of the warre, ſo of the incidents thereto; Malignancy, Delinquency, Covenanting, &c. And of the conſequents thereof, the blood-ſhed and ſpoyle in England and the loſſe of Ireland, and the blood and treaſure to be expended in the recovery thereof, and the depoſing of the

Note.

Malignancie, Delinquencie, and Covenanting, &c.

The true ſtate of the queſtion concerning the depoſing of the King.

King, at this time so much talked of; And the true state of the Question is this, Not whether the two houses of parliament have power to depose the King (though no Protestant parliament ever did so, and Protestants generally abominate the doctrine of Deposing of Kings; And the Observator himselfe sayes, That never was any King deposed in free parliament:) But whether the parliament may depose the King, because he hath taken up Armes and fought against them,

Dan. 2. 21. *Dan.* 4 17. 25. 32. *Rom.* 13. 13. 4.

For recovery of his Revenues, &c.

For vindicating the Lawes of the Land, and his Legall power and Rights.

For Redeeming the Subjects from illegall powers, &c.

And because he will not assent to their propositions, and renounce his Cause, and ruine his frinds, and betray the Crown, and depose and degrade himselfe and his posterity.

They cannot in justice or in gratitude depose the King

Also whether they may depose him, after he hath by severall Acts of parliament asserted our Liberties, and offered to passe whatsoever is desired against papists. And after his gracious condiscentions touching the Forts and Castles and the Militia for our security; and after his other condiscentions declared in his answere to the ninteene propositions. And after his gracious Messages from Nottingham and Oxford, both that upon the Treaty there, and the other about a yeare since, which see before.

The depriving of the King, a consequent in every Rebellion. 1. *Sam.* 26. 9

But this is an ordinary consequent in every Rebellion, The Rebel not suffering the King to live or Reigne, which might punish or take revenge of his treason, as is evident in *Ed.* and *Ric.* both the second. And this also the Judges delivered for matter of Law, at the arraignement aforesaid.

How wee must judge of their after proceedings with his Majesty.

And in this case must we ground onr judgment of their after proceedings with his Majesty, on the Sentence of the Law, and on the Evidences of Histories, and not on their Declarations, alterable at pleasure, as themselves averre.

The true state of the question on the Parliaments side, in referrence to the Liberty of the Subject in generall, and more particularly of the Royall Party.

Lastly (the premises considered) The true state of the Question on the Parliaments side, in referrence to the Liberty

berty of the Subject in generall, and more particularly to the Royall party, is cleerely this; Not whether the Lords and Commons aſſembled in Parliament, have power over our Lawes, Lives Liberties and eſtates, in Caſe of defence, as aforeſaid; But whether they have power to compell us to ſerve with our perſons and eſtates in the preſent warre againſt his Majeſty? and in Caſe of refuſall, whether they may proceede againſt us, and whether each houſe hath power in this Caſe to ſequeſter and impriſon us.

As alſo his Majeſties taking up Armes for the reaſons above mentioned, and requiring us to aſſiſt him in his war, whether they may queſtion and puniſh us for ſuch aſſiſtance; ſeeing we are bound by the Oathes of Supremacie & Allegiance, to aſſiſt and defend all Juriſdictions, Prehemminencies, & authorities belonging to the King, his heires and Succeſſors, or anexed to the Imperiall Crowne,

These legall Oathes obliege us rather then our late vowes and covenants.

And for ſuch Deede and Service, we are utterly diſcharged of any vexation, trouble or loſſe. 11. *Henry. cap.* 10.

And whereas the Parliament in their anſweres hereto grant it to be dutie of allegiance, to ſerve the King in warre for the defence of him and of the Land, but not in warres againſt the Land or the Parliament, the Repreſentative body thereof. *Ob.*

It may be replied and truly; That the greater part of the Lords and Commons, and conſequently of the people of the Land, taken collectively, and in Parliament joyned with the King before the Tumults; as did the greater part of the people diffuſively take part with his Majeſty before they called in our brethren of Scotland, whom they invited by ſeverall Meſſages, Declarations, Proteſtations, Atteſtations, Aſſeverations and Oathes, in teſtimony of their unſhaken, Reſolved and conſtant Loyalty to his Majeſty and to his Poſterity: But now they have Notoriouſly and profeſſedly revolted from both: and when the Scots-Commiſſioners urged thoſe Declarations and atteſtations againſt them and their proceedings, they anſwered that Returnes *Sol.*

Upon what termes they called in the Scots They profeſſe declarations alterable at pleaſure.

See the Scots papers printed at Edenborough *June* 1640.

turnes ſhould not be made againſt England, upon their former Declarations, as if they were obligations, whereas they were alterable at pleaſure.

And now, that by the help of our Brethren, they are Conquerors, and abſolute maſters of all; ſee how they fall againe upon their deſigne againſt his Majeſty, and againſt Monarchy: and drive it on with all might and main, and by all wayes and meanes now, as at the begining; and what was Treaſon before is Rebellion now.

Their proceedings after the Warre, the ſame as before the Warre.

They ſtickle about the Elections.

1. Then they ſtrickled for ſuch men to bee elected into the Houſe of Commons, as were of their opinions and inclinations: and ſo they do now.

Bills againſt Biſhops, & for the Militia.

2. The Bills againſt Biſhops, and for the Militia, were in the firſt place inſiſted on then: and ſo they are now.

Trayterous Pamphlets.

3. Seditious and Trayterous pamphlets were publiſhed then, as now, by Mr. *Lilburne*, by Mr. *Chaloner* and his vindicator, by the author of the booke called The unhappy game betweene the Scots and Engliſh, and by others, profeſſed enemies to his Majeſty and Monarchy.

Tumultuary Sectaries.
An Independent Army.
Of the Forts and Caſtles.
Of depoſing the King.

4. Tumultuous Sectaries were rayſed and countenanced to force the votes of the Members of both Houſes of Parliament then: and an Independent Army is rayſed and continued to force the Kings votes now.

5. They ſeized on the Forts and Caſtles, and the Militia, and the Navy then: and they detayne and diſpoſe them now, as then; for ſecuring, not the Kingdome, but themſelves and their Deſigne.

See the premiſed opinion of the Judges concerning the depoſing of kings and the Hiſtories of *Ed.* and *Ric.* both the 2

6. Then Mr. *Martin* ſaid openly, That the Kings office was forfeitable, and Sir *Henry Ludlow*. That his Majeſty was not worthy to be King of England, and the two houſes Declared, That if they followed the higheſt precedents

of

of other parliaments, they should not want modesty or duty : and now they tell us in the answere to the Scots papers, That the King is not in a condition to execute the duty of his place, or to be left to goe or reside where and when he pleaseth.

And here sticks the Designe at present, the Scots dissenting and interposing and pressing for his Majesties returne to his Parliament, with freedome, honour and safety.

Where the Designe sticks. See the Scots papers, and the Lord *Lowdens* three severall speeches of disposing of the Kings person.

But whatsoever they shall attempt and act, against or upon his Majesty hereafter, 'twill be (not as is pretended) a due guerdon for his warre against the Parliament (for he hath contracted no guilt thereby) but as an effect of their conquest, and an accomplishment of their Designe, agitated before, and pursued and consummate by the present warre. And whatsoever their after proceedings bee, his Majesty will be still Innocent: And whatsoever their pretences are, They will be Rebels still.

Their after proceedings against the King not his due guerdon, but in effect of their Conquest, and an accomplishment of their pretended Designe.

(7) They Declared against the Kings Negative Oath, in Law-making then : and now they give Lawes without him.

Of the Kings negative Vote.

(8) Then they tendred to his Majesty Propositions, to take away the cheife power of Governing from the King, and to settle it in the two houses of parliament : And at this day they insist on the same, with full resolution to overthrow the Regall, and to establish a Parliamentary Government. And this is the utmost of their Designe, and the ultimate end of their Warre, and it concerns not the King only, but the imperiall Crowne also.

Their propositions for the chiefe power in Govrning.

The utmost of their Designe and the ultimate end of the Warre.

I know these propositions are obtruded upon the King and upon the people at present, as the only meanes of our preservation and safety against the common enemies of the Kingdome.

But I have shewed how some of the propositions are useless in this kinde, and how the others are at this time needlesse in respect of the Kingdome, having no professed enemy at all, though by their disloyall, illegall, violent

courſes they have created to themſelves many Enemies, both at home and abroad, who alſo may bring in forreigne forces againſt them (if wee agree not ſuddenly amongſt our ſelves) and yet not to invade the Kingdome in a hoſtile manner: the like of late having beene don by others once and againe.

Of theſe Propoſitions, ſome are Civill, others Military. They take from the King the diſpoſall of all Places of Honour, and Judicature and Power, and conſequently all dependency; in theſe Reſpects, forreigners may come in to reſcue the King and Crowne, and not to invade the Kingdome.

Beſides, they demand theſe powers not for a time only, but for ever; and ſo not as a remedy againſt preſent daunger, but as a foundation of another Government: Uuder the pretence of providing for the publique ſafety, endeavoring to overthrow Monarchy, and to ſet up and eſtabliſh Ariſtocracy and Democracy. And as by the Act of continuation they may ſit for ever, ſo they intend doubtleſſe by their propoſitions to Governe for ever.

And the upſhhot of all is, Who ſhall Governe? whether the King, or the Lords and Commons aſſembled in parliament.

See the ſeveral papers of the Scots Commiſſioners concerning the Propoſitions of Peace.

(9) Laſtly before they tooke up Armes, they claymed an abſolute power over our perſons and eſtates, in Order to their Cauſe, and to the preſent warre: and to this day they exerciſe it accordingly, diſpoſing our perſons, and impoſing on our Eſtates at pleaſure. And this their arbitrary and boundleſſe power, and our boundleſſe and unſufferable ſlavery is like to laſt for ever, as their Cauſe and the Warre are like to bee everlaſting; not only againſt King *Charles*, but alſo againſt Prince *Charles*, and againſt his Heires and Succeſſors likewiſe, and againſt the whole ſucceſſion from time to time, as long as any of the Royall ſeede ſhall remaine; and ſo in maintenance of their Deſigne againſt Monarchy, the people will be eugaged in Rebellion, and embroyled in Warre; from ſucceſſion to ſucceſſion, and from Generation to Generation, unleſſe ſom ſpeedy courſe be taken for compoſing the differences, and ending the warre amongſt us; which ſeeing his Majeſty cannot effect, by the juſtneſſe of his Propoſitions, nor by the reſonableneſſe of his Meſſages, nor by the graciouſneſſe of his Condiſcen-

Their abſolute power over the people in order to the preſent warre.

It is like to bee everlaſting.

See Mr. *Martins* ſpeech of the Royall branches.

Our Rebellion warre & miſery endleſſe.

discentions, neglected and rejected from time to time, I think it may be, not improperly undertaken by the people themselves, who are also concerned in the differences, and in the warre, not only in point of duty and conscience, in respect of the King; but also in point of Liberty and civill interest, in regard of themselves. An Apostraphe to the people.

And I would have them in the first place to Petition his Majesty for a Generall Act of Oblivion to be kept inviolable by himselfe and his posterity. To petition the King for an act of Oblivion.

Then I would have them, now they understand the falsenesse of their pretended dangers, and their falseneſle touching our Religion, Lawes and Liberties, the nature of their Propositions, and the ground and end of the Warre (under the pretence of defending our Religion, Lawes and Liberties, against Popery and Tyranny, endeavoring themselves and engaging us, with our lives and fortunes, to make good their Propositions against Regality and Monarchy) I say, I would have the people of the kingdome Generally, both in the City, and in the severall Counties, before they part with any more monies, eyther by way of Taxe or Loane (out of just indignation for the many fraudes and falacies obtruded on them, and out of a piercing sense of their by-past sufferings, and out of a pious sense of their Allegiance to the King and Crowne, and out of Providence to their owne good and quiet, and for the good and quiet of posterity) unanimously and vigorously to Petition the two houses of Parliament for the disbanding their Armies, and dismantling their Garrisons, and for inviting his Majesty to his Parliament, and for a suddaine Accomodation between them, with due and equall regard to the Kings legall rights the just priviledges of parliament, and the legall Liberty of the Subject, to be determined and setled in Parliament, and to be so stated that hereafter they doe not enterfeire one against another, and to be bounded so, that they doe not encroach one upon another. A Summe of the whole busineſle offered to the people. *Ferem.* 17. 3. To petition the Parliament. *Isai.* 32. 17. *Pax, quo æquior, eo firmior.* The Kings right taken from him without hearing his Councell.

In particular, Let the people take care, That if it be posſible

Of *Magna Charta*, and of the *Petition of Right*.

sible) those Muniments of of our Liberties *Magna Charta*, and the *Petition of Right*, be not at any time hereafter subjected eyther to the King, or to the two Houses of parliament, and that we bee governed, not by Ordnances and Votes, and Committees; but by the knowne Lawes of the Land only, and by the Ordinary Ministers of justice, as well in the time of Parliament as out of it.

When and how Religion to be settled.

And when all the differences betweene the king and the parliament and the subject are quietly composed, and his Majesty, and the Parliament, and the people quiet and composed in themselves, then (and not till then) would I have Religion setled, in a full and free convention of Parliament after a full and free debate by Divines on all sides.

Our Religion abolished without hearing the conformable Clergy.

Stand not in evill things. *Eccles.* 8 3.

And above all, I would have the two Houses of parliament and the people, to lay aside prejudice and partiality, and incline to Truth and Justice, & not to looke after their owne privat advantages or Interests, but to intend and endeavor the publique Peace and common happinesse of the kingdome; Also I would have them not carried away with Humor and Faction, but to bee regulated and guided by sound principles of Policie, Religion, Loyalty; of Liberty (parliamentary and common) of Order and Government, and of Peace and Unity. And I advise them to seeke and pursue these things, not severally and apart, but joyntlie and together; Policy with Religion, Religion with Loyalty, Loyalty with the priviledge of parliament, priviledg of parliament with Liberty, Liberty with Order and Government, Government with peace and Unity: For in the due Harmonicall conjunction of all these, consists our civill Happinesse. And they all Concenter in the fundamentall Constitution and Government of the Kingdome, as before.

The parliament and the people to lay aside prejudice, partiality, selfe-interest, Humors & Faction, and to bee guided by sound principls

See the premisses concerning the fundamentall constitution of the Kingdom.

Also let them remetnber that they have Covenanted expresly, with their Estates and Lives, to preserve and defend the Kings Majesties Person and Authority in the preservation and defence of the true Protestant Religion and Liberty

berty of the Kingdomes; so that the world may beare witnesse, with their Consciences, of their Loyalty, and that they have no thoughts or intentions to diminish his Majesties just power and greatnesse.

Let the world judge whether these Propositions doe not diminish his Majesties just power and greatnesse.

And how his Majesty hath endeavored to preserve and defend the true Protestant Religion, against Popery; and the Liberty of the Kingdome, against Tyranny, let all the worlde judge, and see by his Propositions.

Againe, whereas the covenanters have now turned their propositions into Bills, and seek by violent courses to compell the King to passe them, they must know that hereby they overthrow the constitution of the Parliament, and make their propositions of none eff & also, Liberty of Vote being an essentiall priviledge of parliament, and no act being valid and obligatorie which is not free and voluntary, as is fully declartd. 15.*E*.3.

As their designe is against the constitution of the kingdom, so their proceedings are against the constitution of Parliament.

Thus they conceive Chaffe, and bring forth Stubble. Esay.33.11.

Labour in vain

And why doe wee spend our Mony for that which is not Bread, and our Labour for that which satisfyeth not. Es.55.2.

Who so is wise will ponder these things
Psal. 107. 43.

Now he in whose hands are the Hearts of Kings, and the Inclinations of Kingdomes, grant that the King and

his Parliament, and the people, may have now and ever upright hearts and good affections one to another.

And that under his Majesty and his Posteritie Wee, and our Childrens Children may leade a quiet and peaceable Life, in all Godlinesse and Honesty:

Amen. Amen.

Not any among the people is like unto him whom the Lord hath Chosen.

And all the people shouted and said
God save the KING.
1. *Sam.* 10. 24.

Love the Truth and Peace.
Zach. 8. 19.

Page 21. 15 *Ed.* 3.

Besides, when those Bills shall be passed, and the Propositions Enacted, all that wee shall get thereby, is this. That whereas formerly the two Houses domineired and Tyrannized over us contrarie to Law, now their Dominions, and our Slavery, wilbe estáblided by Law; And as from time to time they Encroach more and more upon the King and his prerogative. So will they upon us and our Liberties.

And so our last will be worse then the first. 12 Mat. 45.

Finally

Finally let wiſe men Conſider (on the Scots ſide) how their ancient League, with France, is Compatible with their new League and Covenant, with England, And let them give me ſatisfactory Reaſon if they can, why, at the paſſing of the laſt propoſitions, they did ſo earneſtly Contend for the ſetling of forces by Sea and Land, in the Commiſſioners of both Kingdomes. Since it is a time of fearse and Jelouſies, I know not why I may not be fearfull and Jealous, Leaſt they who have plaied faſt and looſe with their Native King, may alſo doe the like when time ſhall be with our Kingdome in the generall.